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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

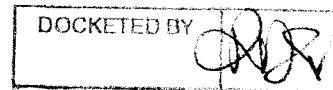
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MAR 16 2011

GARY PIERCE – Chairman
BOB STUMP
SANDRA D. KENNEDY
PAUL NEWMAN
BRENDA BURNS

AZ CORP COMMISSION
DOCKET CONTROL



IN THE MATTER OF THE APPLICATION OF
AZTECH COMMUNICATIONS, LLC TO
CANCEL ITS CERTIFICATE OF CONVENIENCE
AND NECESSITY TO PROVIDE RESOLD LONG
DISTANCE AND FACILITIES-BASED LOCAL
EXCHANGE TELECOMMUNICATION
SERVICES IN MOHAVE COUNTY ARIZONA.

DOCKET NO. T-20421A-11-0023

PROCEDURAL ORDER

BY THE COMMISSION:

On January 24, 2011, Aztech Communications, LLC (“Aztech” or “Company”) filed with the Arizona Corporation Commission (“Commission”) an application to cancel its Certificate of Convenience and Necessity (“CC&N”) to provide resold long distance and facilities-based local exchange telecommunication services in Mohave County Arizona.¹ Aztech’s application states that pursuant to A.A.C. R14-2-1107, on January 11, 2011, Aztech sent letters to its customers notifying them of its intent to discontinue service as of February 20, 2011, and provided customers with information on alternative local exchange providers in Mohave County.

On January 28, 2011, Aztech filed a copy of its application to discontinue service filed with the Federal Communications Commission.

On February 22, 2011, Aztech filed a letter requesting a waiver of the 60-day notice requirement set forth in Decision No. 67750.² Aztech’s letter states that Aztech provided 30 days notice to its 44 customers; that Aztech has entered into an agreement conditionally³ transferring Aztech’s assets to Frontier and allowing Aztech customers to transfer their service to Frontier; and that Aztech could face financial distress if the Commission finds that Aztech must forfeit its bond for

¹ Aztech was granted a CC&N to provide the services it now desires to cancel in Decision No. 67750 (April 11, 2005).

² Decision No. 67750 required Aztech to file an application with the Commission pursuant to A.A.C. R14-2-1107 and to notify each of its local exchange customers and the Commission 60 days prior to filing an application to discontinue service pursuant to A.A.C. R14-2-1107 and provided that any failure to do so should result in a forfeiture of Aztech’s performance bond.

³ Aztech states the agreement with Frontier is conditioned upon Commission approval of the transfer of assets and service. (Aztech letter filed February 22, 2011.)

1 failing to give 60 days' prior notice. Further, Aztech's letter states that during discussions with the
2 Commission's Utilities Division ("Staff") regarding the application, Staff objected to Aztech
3 providing only 30 days notice to customers and to the Commission.

4 On February 28, 2011, Aztech filed an Affidavit of Publication showing that notice of
5 Aztech's application to cancel its CC&N had been published in the *Mohave Valley Daily News* on
6 February 13, 2011.

7 Although it is unclear whether Aztech has ceased providing services, It appears that Aztech
8 has failed to comply with Decision No. 67750 by failing to notify its customers and the Commission
9 60 days before filing its application to cancel or discontinue local exchange service in Mohave
10 County. Aztech's failure to comply could result in the forfeiture of Aztech's performance bond on
11 file with the Commission. Therefore, it is appropriate to require Aztech to file an affidavit explaining
12 whether Aztech has ceased providing services to any of its 44 Arizona customers; who is providing
13 local exchange service to each of Aztech's 44 customers; and if applicable, the date Aztech's service
14 ceased and the new provider's service commenced.

15 IT IS THEREFORE ORDERED that **Aztech shall file, by April 16, 2011, an affidavit**
16 explaining whether Aztech has ceased providing services to any of its 44 Arizona customers; who is
17 providing local exchange service to each of Aztech's 44 customers; and if applicable, the date
18 Aztech's services ceased and the new provider's service commenced.

19 IT IS FURTHER ORDERED that **Aztech's failure to file the above referenced affidavit**
20 **may result in a forfeiture of its performance bond on file with the Commission.**

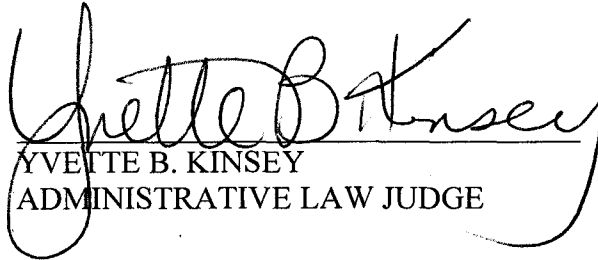
21 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
22 31 and 38 and A.R.S. § 40-243 with respect to practice of law in Arizona and before the Commission
23 and admission *pro hac vice*.

24 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
25 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
26 Supreme Court Rule 42). Representation before the Commission includes appearance at all hearings
27 and procedural conferences, as well as all Open Meetings for which the matter is scheduled for
28 discussion, unless counsel has previously been granted permission to withdraw by the Administrative

1 Law Judge or the Commission.

2 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend or waive
3 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

4 DATED this 16th day of March, 2011.

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7 
8 YVETTE B. KINSEY
9 ADMINISTRATIVE LAW JUDGE


10 Copies of the foregoing mailed/delivered
11 this 16th day of March, 2011 to:

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25 Secretary to Yvette B. Kinsey
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27
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